

INTERNATIONAL COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 08 NOV 2004

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Applicant's or agent's file reference 501600/DCC	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000907	International Filing Date (day/month/year) 11 July 2003	Priority Date (day/month/year) 12 July 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A63B 69/00		
Applicant AWABA GROUP PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the report |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input checked="" type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input type="checkbox"/> | Certain observations on the international application |

Date of submission of the demand 12 February 2004	Date of completion of the report 20 October 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer VINCE BAGUSAUSKAS Telephone No. (02) 6283 2110

Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1 to 25, 48 are directed to a training device for a dancer comprising a mat or the like wherein the mat is provided with a set of indicia representing the preferred position for the dancer during any one of a combination of movements pertaining to the dance. It is considered that the mat with the indicia comprises a first "special technical feature".
2. Claims 26 to 47, 49 and 50 are directed to a method and apparatus for training a dancer comprising the steps of capturing a live image of a dancer as the dancer performs a dance routine, generating text and/or graphical images, overlaying said text/graphical images with the live image onto a display device so as to aid the dancer to perform the dance routine. It is considered that overlaying the generated text and/or graphical images onto the live image of the dancer comprises a second "special technical feature".

These groups are not so linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together these groups of claims is a *training device for a dancer*. However this concept is not novel in the light of;

US 2002/0019258 A1 (KIM et.al.) 14 February 2002, See the Abstract;

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 10, 11, 18 to 25, 31 to 40, 45 to 47	YES
	Claims 1 to 9, 12 to 17, 26 to 30, 41 to 44, 48 to 50	NO
Inventive step (IS)	Claims 10, 11, 18 to 25, 31 to 40, 45 to 47	YES
	Claims 1 to 9, 12 to 17, 26 to 30, 41 to 44, 48 to 50	NO
Industrial applicability (IA)	Claims 1 to 50	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1) DE 3730799
D2) EP 1043746
D3) FR 2440586
D4) US 2002/0019258
D5) WO 2002/030535

NOVELTY (N) 1 to 9, 12 to 17, 26 to 30, 41 to 44, 48 to 50

The invention as defined in claims 1 to 9, 12, 15, 16, and 48 has been disclosed in D1). See the drawings

The invention as defined in claims 1 to 9, 15, 17 and 48 has been disclosed in D2). See the drawings at least.

The invention as defined in claims 1 to 9, 12 to 17 and 48 has been disclosed in D3). See the drawings at least.

The invention as defined in claims 26, 28 to 30, 41, 43, 44, 49 and 50 has been disclosed in D4). In particular see the abstract; Figs 3, 4, and 8; paragraph 0037.

The invention as defined in claims 26 to 30, 41 to 44, 49 and 50 has been disclosed in D5). In particular see the abstract; page 1, line 12 to 15; page 3, lines 11 and 12; page 7, lines 1 to 6.

Therefore these claims do not meet the criteria set forth in PCT Article 33(2) for novelty

INVENTIVE STEP (IS) 1 to 9, 12 to 17, 25 to 30, 41 to 44, 48 to 50

Claims 1 to 9, 12 to 17, 26 to 30, 41 to 44, 48 to 50 also lack an inventive step for the reasons given above.

Claim 25 differs from D3) in that it is directed to a ballet dancer. I consider that the difference between the claimed invention and the citation constitutes no more than a mere technical equivalent. Both arrangements are well known in the art and it would be clearly obvious to a person skilled in the art that one could be replaced by the other without materially affecting the way the invention worked. Therefore the claimed invention does not involve an inventive step.